

Judge Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9	UNITED STATES OF AMERICA,)	
10	Plaintiff,)	NO. CR06-159
11	v.)	ORDER CONTINUING
12	BERNARD CASEY)	TRIAL DATE
13	Defendant.)	
14	_____)	

This matter having come before the undersigned Court by stipulation and motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and Bernard Casey by and through his attorney Robert Leen, the Court being fully advised in the matter, now finds that

The trial was scheduled for February 29, 2007. The defendant waived his speedy trial rights until the end of April 2007, which is beyond the new trial date of April 2, 2007. The motion is made because there is a strong possibility that the matter will resolve short of trial as to both defendants and because a related defendant has changed counsel.

All parties believe that with the continuance, this matter will be handled other than with a trial and that the continuance may be to the defendants' benefit.

The Court is aware that time limitations for trial and speedy trial concerns are set forth in Title 18, United States Code, Section 3161.

Section 3161(h) outlines the periods of excludable time, including:

(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

In this matter, the Court finds that further time is reasonable and necessary as the requested time is within the speedy trial time period. Further, that the ends of justice, especially those which deal with consideration of victims and witnesses, are served by the requested continuance as this Title 21 trial has few civilian witnesses and no known victims. Therefore, the trial date is continued from February 12, 2007 until April 2, 2007.

Dated this _11_ day of December, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Susan M. Roe
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